



State of Wisconsin
2013 - 2014 LEGISLATURE



RMR

LRB-0387/1/1

MGG:.....

SAC

in
10/24

DOA:.....Stritchko, BB0095 - Transfer of DSPS programs to DATCP

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

PWF

do not gen

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

Under current law, DSPS has the following duties and powers relating to regulation of petroleum products:

1. DSPS prescribes grade specifications for gasoline and similar fuels and administers laws regulating the inspection and sale of those fuels and other petroleum products.

2. DSPS regulates the installation, maintenance, and removal of movable tanks that contain flammable or combustible liquids or federal regulated hazardous substances.

3. DSPS is required to administer a program to inventory aboveground petroleum storage tanks and underground petroleum storage tanks.

4. DSPS is authorized to pay a contractor to remove an abandoned underground petroleum storage tank system if DSPS determines that the owner of the system is unable to pay to empty, clean, remove, or dispose of the system.

This bill transfers these powers and duties from DSPS to DATCP.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.115 (1) (s) of the statutes is amended to read:

20.115 (1) (s) *Weights and measures; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for weights and measures inspection, testing, and enforcement under ch. ^{chs.} ss. 101.09, 101.142, ³ and 101.145 and 98 and 168.

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25; 2007 a. 20, 125, 223; 2009 a. 28, 90, 145, 293, 401; 2011 a. 32, 278.

SECTION 2. 20.165 (2) (dm) of the statutes is renumbered 20.115 (1) (t) and amended to read:

20.115 (1) (t) *Storage Petroleum products storage tank inventory.* The amounts in the schedule to conduct an inventory of aboveground petroleum product storage tanks and unused underground petroleum product storage tanks under s. 101.142 168.31²

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 3. 20.165 (2) (r) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 25.47 (4m) of the statutes is amended to read:

25.47 (4m) The payments under s. 101.1435 168.32 (3).

History: 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

SECTION 5. 25.47 (7) of the statutes is amended to read:

25.47 (7) The fees imposed under s. 101.09 (3) (d) 168.23 (4).

History: 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32.

SEC# AM; 20.165(2)(vm)
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SEC# AM; 20.165(2)(vm)
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2-112

1 **SECTION 6.** 45.44 (1) (a) 5. of the statutes is amended to read:

2 45.44 (1) (a) 5. A license, certification, registration, or permit issued under s.
3 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2), 97.22 (2), 98.145,
4 98.146, ~~or~~ 98.18 (1) (a), or 168.23 (3).

History: 2011 a. 209.

5 **SECTION 7.** 93.135 (1) (rg) of the statutes is created to read:

6 93.135 (1) (rg) A certification or registration under s. 168.23 (3).

7 **SECTION 8.** 98.246 (1) of the statutes is amended to read:

8 98.246 (1) In this section, "petroleum products" has the meaning given under

9 s. ~~168.03~~ 168.01 (3).

History: 1983 a. 251.

10 **SECTION 9.** 101.02 (20) (a) of the statutes is amended to read:

11 101.02 (20) (a) For purposes of this subsection, "license" means a license,
12 permit, or certificate of certification or registration issued by the department for an
13 occupation or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), 101.143 (2) (g),
14 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
15 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
16 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
17 145.165, 145.17, 145.175, 145.18, ~~or~~ 167.10 (6m) or under rules promulgated under
18 ch. 101 or 145.

****NOTE: By deleting the cross-reference to s. 101.09 (3) (c) in s. 101.02 (20) (a),
s. 73.0301 (denial of licenses and similar approvals for failure to pay state taxes) does
not apply to the certifications and registrations under s. 101.09 (3) (c), as renumbered in
this draft. I cannot find any place in the statutes where licenses or similar approvals
issued by DATCP are denied for this purpose. Therefore, since s. 101.09 (3) (c)
certifications or registrations will be issued by DATCP, they will not be denied for failure
to pay state taxes. OK?

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989
a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456;
2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

19 **SECTION 10.** 101.02 (21) (a) of the statutes is amended to read:

101.02 (21) (a) In this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.09 (3) (e), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

****NOTE: The treatment of s. 101.02 (21) (a) and the creation of s. 93.135 (1) (rg) results in s. 101.09 (3) (c) registrations and certifications continuing to be subject to s. 49.857 (denial of licenses and similar approvals for failure to pay child support.)

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

SECTION 11. 101.02 (24) (a) 2. of the statutes is amended to read:

101.02 (24) (a) 2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.09 (3) (e), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

Note: Note: Section 101.177 was repealed. Corrective legislation is pending.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

SECTION 12. 101.09 (title) of the statutes is repealed.

SECTION 13. 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.) and amended to read:

168.21 Definitions. (intro.) In this section subchapter:

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

SECTION 14. 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

SECTION 15. 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

1 SECTION 16. 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

2 SECTION 17. 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

3 SECTION 18. 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

4 SECTION 19. 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

5 SECTION 20. 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

6 SECTION 21. 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and
7 amended to read:

8 168.22 (1) Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person
9 who constructs, owns or controls a tank for the storage, handling or use of liquid that
10 is flammable or combustible or a federally regulated hazardous substance shall
11 comply with the standards adopted under sub. (3) S. 168.23

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 410; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

12 SECTION 22. 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and
13 amended to read:

14 168.22 (2) This ~~section~~ subchapter does not apply to storage tanks which
15 require a hazardous waste license under s. 291.25.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 410; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

16 SECTION 23. 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and
17 amended to read:

18 168.22 (3) This ~~section~~ subchapter does not apply to storage tanks which are
19 installed above ground level and which are less than 5,000 gallons in capacity.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 410; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

20 SECTION 24. 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4)
21 (intro.) and amended to read:

22 168.22 (4) (intro.) Any rules promulgated under sub. (3) S. 168.23 requiring an
23 owner to test the ability of a storage tank, connected piping or ancillary equipment

1 to prevent an inadvertent release of a stored substance do not apply to storage tanks
2 that satisfy all of the following:

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

3 **SECTION 25.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22 (4) ✓

4 (a) to (c).

5 **SECTION 26.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) ✓ and
6 amended to read:.

7 168.22 (5) This section subchapter does not apply to a pressurized natural gas
8 pipeline system regulated under 49 CFR 192 and 193.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

9 **SECTION 27.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title). ✓

10 **SECTION 28.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1). ✓

11 **SECTION 29.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) ✓ and
12 amended to read:

13 168.23 (2) The department may transfer any information which the
14 department receives under par. (a) sub. (1) ✓ to any other agency or governmental unit.
15 The department and any such agency shall treat the name of the owner and the
16 location of any noncommercial storage tank which stores heating oil for consumptive
17 use on the premises, required to be submitted to the department under par. (a) sub.
18 (1), ✓ as confidential and shall not permit inspection or copying under s. 19.35 of any
19 record containing the information.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

20 **SECTION 30.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) ✓ and

21 amended to read:

22 168.23 (3) The rule promulgated under par. (a) sub. (1) ✓ may require the
23 certification or registration of persons who install, remove, clean, line, perform
24 tightness testing on and inspect tanks and persons who perform site assessments.

7-5

Any rule requiring certification or registration shall also authorize the revocation or suspension of the certification or registration. The department may not require an individual who is eligible for the veterans fee waiver program under s. 45.44 to pay any fee that may be charged pursuant to such a rule.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

Fix component
INSET 101.09 (3) (d)
SECTION 31. 101.09 (3) (d) of the statutes is renumbered 168.23 (4) *and amended to read:*

SECTION 32. 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

SECTION 33. 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and amended to read:

168.24 (1) In this ~~subsection~~ section, "hazardous substance" means a combustible liquid, a flammable liquid, or a federally regulated hazardous substance.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

SECTION 34. 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and amended to read:

168.24 (2) The department may not impose any requirement that specifies that pipe connections at the top of a storage tank and beneath all freestanding pumps and dispensers that routinely contain a hazardous substance be placed within secondary containment sumps, if the pipe connections were installed or in place on or before February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

SECTION 35. 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

SECTION 36. 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and amended to read:

168.25 (1) The department shall enforce this ~~section~~ subchapter.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

1 **SECTION 37.** 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and
2 amended to read:

3 168.25 (2) The department shall issue orders directing and requiring
4 compliance with the rules and standards of the department adopted under this
5 section subchapter whenever, in the judgment of the department, the rules or
6 standards are threatened with violation, are being violated or have been violated.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

7 **SECTION 38.** 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

8 **SECTION 39.** 101.09 (5) of the statutes is renumbered 168.26 and amended to
9 read:

10 **168.26 PENALTIES.** Any person who violates this section subchapter or any rule
11 or order adopted under this section subchapter shall forfeit not less than \$10 nor
12 more than \$5,000 for each violation. Each violation of this section subchapter or any plain
13 rule or order under this section subchapter constitutes a separate offense and each
14 day of continued violation is a separate offense.

History: 1983 a. 410; 1987 a. 399; 1991 a. 269; 1993 a. 416; 1995 a. 227; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2011 a. 32.

15 **SECTION 40.** 101.14 (5) (a) of the statutes is amended to read:

16 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
17 department by rule for plan review and approval for the construction of a new or
18 additional installation or change in operation of a previously approved installation
19 for the storage, handling or use of a liquid that is flammable or combustible or a
20 federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (2),
21 the department shall collect a groundwater fee of \$100 for each plan review
22 submittal. The moneys collected under this subsection shall be credited to the
23 environmental fund for environmental management.

History: 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.14; 1973 c. 324, 326, 336; 1975 c. 39, 94; 1977 c. 29, 413; 1979 c. 221; 1981 c. 320, 341; 1983 a. 36; 1983 a. 189 s. 329 (8); 1983 a. 295, 410; 1985 a. 29; 1985 a. 135 s. 83 (3); 1987 a. 288, 321, 399; 1989 a. 31, 109, 359; 1991 a. 187, 269; 1993 a. 261; 1995 a. 27; 1997 a. 27; 1999 a. 9, 43, 186; 2003 a. 269; 2005 a. 78, 220; 2007 a. 148, 149, 173; 2011 a. 257.

SECTION 41. 101.14 (5) (b) of the statutes is amended to read:

101.14 (5) (b) Notwithstanding par. (a), an installation for the storage, handling or use of a liquid that is flammable or combustible or a federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am) (2)~~^{168.21 (3)}, that has a capacity of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

History: 1971 c. 185 s. 1; 1971 c. 228; Stats. 1971 s. 101.14; 1973 c. 324, 326, 336; 1975 c. 39, 94; 1977 c. 29, 413; 1979 c. 221; 1981 c. 320, 341; 1983 a. 36; 1983 a. 189 s. 329 (8); 1983 a. 295, 410; 1985 a. 29; 1985 a. 135 s. 83 (3); 1987 a. 288, 321, 399; 1989 a. 31, 109, 359; 1991 a. 187, 269; 1993 a. 261; 1995 a. 27; 1997 a. 27; 1999 a. 9, 43, 186; 2003 a. 269; 2005 a. 78, 220; 2007 a. 148, 149, 173; 2011^x a. 257.

SECTION 42. 101.142 of the statutes is renumbered 168.32.

SECTION 43. 101.143 (3) (a) 4. of the statutes is amended to read:

101.143 (3) (a) 4. The owner or operator registers the petroleum product storage system or the home oil tank system is registered with the department of agriculture, trade and consumer ~~affairs~~^{protection} under s. ~~101.09 168.24~~^{168.21 (3)} subch. II of ch. 168.

History: 1987 a. 399; 1989 a. 31, 254, 255; 1991 a. 39, 82, 269; 1993 a. 16, 301, 416, 491; 1995 a. 27 ss. 3665 to 3683m, 9116 (5); 1995 a. 227, 247, 378, 417; 1997 a. 27, 35, 237, 252, 283; 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 75; 2007 a. 20, 145; 2009 a. 28, 240; 2011 a. 32.

SECTION 44. 101.1435 (title) and (1) of the statutes are renumbered 168.33

(title) and (1).

SECTION 45. 101.1435 (2) (intro.) of the statutes is renumbered 168.3³ (2)

(intro.) amended to read:

168.32³ (2) (intro.) The department may contract with a person registered or certified under s. ~~101.09 (2) 168.24~~^{168.21 (3)} to empty, clean, remove, and dispose of an underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation if all of the following apply:

SECTION 46. 101.1435 (2) (a) and (b) and (3) of the statutes are renumbered

168.3³ (2) (a) and (b) and (3).

SECTION 47. 101.19 (1r) of the statutes is amended to read:

101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under ss. ~~101.09 (3) (e)~~ 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177^{stroke} (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

Note: Note: Section 101.177 was repealed. Corrective legislation is pending. Note:

History: 1971 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.19; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1983 a. 27, 94, 446; 1987 a. 343; 1991 a. 39, 269; 1993 a. 414; 1999 a. 53; 2001 a. 16; 2005 a. 45, 456; 2007 a. 203; 2009 a. 28; 2011 a. 32, 198, 209.

SECTION 48. Chapter 168 (title) of the statutes is repealed and recreated to

read:

CHAPTER 168
INSPECTIONS AND STORAGE OF PETROLEUM PRODUCTS

SECTION 49. Subchapter I^(title) of chapter 168[^] [precedes 168.01] of the statutes is

created to read:

CHAPTER 168
SUBCHAPTER I
PETROLEUM PRODUCT INSPECTIONS

SECTION 50. 168.01 (intro.) of the statutes is amended to read:

168.01 Definitions. (intro.) In this chapter subchapter:

History: 1971 c. 215; 1995 a. 27ss. 4473 and 9116 (5); 1997 a. 27; 2005 a. 25; 2011 a. 32.

SECTION 51. 168.01 (1) of the statutes is amended to read:

168.01 (1) "Department" means the department of safety and professional services agriculture, trade and consumer protection.

History: 1971 c. 215; 1995 a. 27ss. 4473 and 9116 (5); 1997 a. 27; 2005 a. 25; 2011 a. 32.

SECTION 52. 168.01 (2) of the statutes is renumbered 168.01 (4).

SECTION 53. 168.02 of the statutes is renumbered 168.01 (2) and amended to

read:

SEC# RP; 168.02 (title)

1 168.01 (2) **Inspector defined.** "Inspector" means a duly authorized
2 petroleum products inspector of the department.

3 **SECTION 54.** 168.03 of the statutes is renumbered 168.01 (3) and amended to
4 read:

5 168.01 (3) **Petroleum products defined.** "Petroleum products" means
6 gasoline, gasoline-alcohol fuel blends, kerosene, fuel oil, burner oil and diesel fuel.

7 History: 1977 c. 29; 1979 c. 140; 2005 a. 83.

SECTION 55. 168.05 (1) of the statutes is amended to read:

8 168.05 (1) No petroleum product imported into and received in this state or
9 received from a manufacturer or refiner or from a marine or pipeline terminal within
10 this state may be unloaded from its original container except as provided under sub.
11 (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken
12 as provided in this chapter subchapter. This subsection does not apply if the
13 department has previously inspected the petroleum product at the refinery, marine
14 or pipeline terminal. Each person importing or receiving a petroleum product which
15 has not been previously inspected shall notify the inspector in the person's district
16 of the receipt thereof, and the inspector shall take a sample of the petroleum product.

17 History: 1977 c. 21; 1977 c. 187 s. 135; 1977 c. 273, 419; 1983 a. 192 s. 304; 1995 a. 27; 2005 a. 155; 2009 a. 401.

SECTION 56. 168.06 (1) of the statutes is amended to read:

18 168.06 (1) For the purposes of administering this chapter subchapter,
19 inspectors may take samples of gasoline gasoline-alcohol fuel blends, kerosene,
20 other refined oils, fuel oils and petroleum distillates for tests and make inspections
21 at any points within or without this state, and may open any original container
22 containing gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel
23 oils and petroleum distillates and take a true sample of not less than 8 ounces of the
24 contents thereof, even though the original containers may still be in the possession

LPS: The added comma at line 19 is plain.
It's a long story, but Bruce + Cathlene okayed that.

1 of a common or contract carrier, provided the opening and sampling does not unduly
2 inconvenience or hamper the transportation of the products. After the original
3 containers are opened and sampled the same shall be resealed with seals furnished
4 by the department for such purposes. The authority conferred by this section shall
5 be in addition to, and not in limitation of, any of the provisions of s. 168.05.

History: 1971 c. 206; 1979 c. 140.

6 **SECTION 57.** 168.08^X (1) of the statutes is amended to read:

7 168.08 (1) Time and place of each inspection.

8 **SECTION 58.** 168.09^X of the statutes is amended to read:

9 **168.09 Authority to enter.** Any inspector may enter in or upon the premises
10 of any manufacturer, vendor, dealer or user of gasoline, gasoline-alcohol fuel blends,
11 kerosene, other refined oils, fuel oils and petroleum distillates, during regular
12 business hours to determine whether any petroleum product intended for sale or use
13 has not been sampled and inspected in accordance with this ~~chapter~~ chapter. ^{Sub}

History: 1971 c. 206; 1979 c. 140.

14 **SECTION 59.** 168.125^X of the statutes is amended to read:

15 **168.125 Reports; payment.** Persons who are liable for the fee under this
16 ~~chapter~~ subchapter shall state the number of gallons of petroleum products on which
17 the fee is due and the amount of their liability for the fee in the reports under s. 78.12
18 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12
19 (5) apply to the fee under this ~~chapter~~ subchapter.

History: 1995 a. 27.

20 **SECTION 60.** 168.15^X of the statutes is amended to read:

21 **168.15 Penalty.** Every person who violates any provision of this ~~chapter~~
22 subchapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than

1 \$10 nor more than \$100 for each violation. Each day a person fails to comply with
2 any provision of this ~~chapter~~ subchapter is a separate violation. plain

History: 1983 a. 122; 1995 a. 27.

3 **SECTION 61.** 168.16^x (1) of the statutes is amended to read:

4 168.16 (1) The department shall enforce this ~~chapter~~ subchapter. Inspection
5 districts shall be defined and numbered by the department.

History: 1971 c. 206.

6 **SECTION 62.** 168.16^x (2) of the statutes is amended to read:

7 168.16 (2) Any accident or explosion involving products of petroleum which
8 comes to the knowledge of the department shall be investigated to determine
9 whether or not there has been a violation of this ~~chapter~~ subchapter.

History: 1971 c. 206.

10 **SECTION 63.** 168.16^x (4) of the statutes is amended to read:

11 168.16 (4) The department may promulgate reasonable rules relating to the
12 administration and enforcement of this ~~chapter~~ subchapter.

History: 1971 c. 206.

13 **SECTION 64.** 168.17^x of the statutes is amended to read:

14 **168.17 Attorney general and district attorney to prosecute.** Upon
15 request of the department, the attorney general or proper district attorney shall
16 prosecute any action to enforce this ~~chapter~~ subchapter except the fee that is imposed
17 under s. 168.12 (1).

History: 1995 a. 27.

18 **SECTION 65.** 168.18^x of the statutes is repealed.

19 **SECTION 66.** Subchapter II (title) of chapter 168 [precedes 168.21] of the
20 statutes is created to read: # center
center

21 CHAPTER 168L
SUBCHAPTER II
STORAGE OF HAZARDOUS LIQUIDS

22 **SECTION 67.** 168.21[✓] (2) of the statutes is created to read:

1 168.21 (2) "Department" means department of agriculture, trade and
2 consumer protection.

3 SECTION 68. Subchapter III (title) of chapter 168 [precedes 168.31] of the
4 statutes is created to read:

5 STORAGE TANKS FOR PETROLEUM PRODUCTS

6 SECTION 69. 168.31 of the statutes is created to read:

7 168.31 Definition. In this subchapter, "department" means the department
8 of agriculture, trade and consumer protection

9 SECTION 9138. Nonstatutory provisions; Safety and Professional
10 Services

11 (1) PETROLEUM PRODUCT INSPECTION AND STORAGE.

12 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
13 liabilities of the department of safety and professional services, that are determined
14 by the secretary of administration to relate to the storage and inspection of
15 petroleum products under sections 101.09, 101.142, and 101.1435 and chapter 168
16 of the statutes, as affected by this act, become the assets and liabilities of the
17 department of agriculture, trade and consumer protection.

18 (b) *Employee transfer.* All incumbent employees who hold positions in the
19 department of safety and professional services that the secretary of administration
20 determine relate to the storage and inspection of petroleum products under sections
21 101.09, 101.142, and 101.1435 and ch. 168 of the statutes, as affected by this act, are
22 transferred to the department of agriculture, trade and consumer protection on the
23 effective date of this paragraph.

24 (c) *Employee status.* Employees transferred under paragraph (b) have all the
25 rights and the same status under subchapter V of chapter 111 and chapter 230 of the

1 statutes in the department of agriculture, trade and consumer protection that they
2 enjoyed in the department of safety and professional services immediately before the
3 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
4 transferred who has attained permanent status in class is required to serve a
5 probationary period.

change to
auto number
(g) *Tangible personal property.* On the effective date of this paragraph, all
7 tangible personal property, including records, of the department of safety and
8 professional services that the secretary of administration determines to relate to the
9 storage and inspection of petroleum products under sections 101.09, 101.142, and
10 101.1435 and ch. 168 of the statutes, as affected by this act, are transferred to the
11 department of agriculture, trade and consumer protection.

auto number
(d)^e *Contracts.* All contracts that were entered into by the department of safety
12 and professional services that the secretary of administration determines to relate
13 to the storage and inspection of petroleum products under sections 101.09, 101.142,
14 101.1435 and ch. 168 of the statutes, as affected by this act, and that are in effect
15 on the effective date of this paragraph remain in effect and are transferred to
16 department of agriculture, trade and consumer protection. The department of
17 agriculture, trade and consumer protection shall carry out any obligations under
18 such a contract until the contract is modified or rescinded by the department of
19 agriculture, trade and consumer protection to the extent allowed under the contract.

auto number
(e)^f *Rules and orders.* All rules promulgated, and all orders issued, by the
21 department of safety and professional services, that are determined by the secretary
22 of administration to relate to the storage and inspection of petroleum products under
23 sections 101.09, 101.142, and 101.1435, and chapter 168 of the statutes, as affected
24 by this act, and that are in effect on the effective date of this paragraph shall remain
25

1 in effect until their specified expiration date or until amended or repealed by the
2 department of agriculture, trade and consumer protection.

3 *(f) Pending matters.* Any matter pending with the department of safety and
4 professional services ^{on} of the effective date of this paragraph that is determined by the
5 secretary of administration to relate to the storage and inspection of petroleum
6 products under sections 101.09, 101.142, and 101.1435, and chapter 168 of the
7 statutes, as affected by this act, is transferred to the department of agriculture, trade
8 and consumer protection, and all materials submitted to or actions taken by the
9 department of safety and professional services with respect to the pending matter
10 are considered as having been submitted to or taken by the department of
11 agriculture, trade and consumer protection.

12 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0387/lins
MGG:sac:...

Insert 2-12

(b)

SECTION 1. 20.115 (1) ~~(a)~~ of the statutes is created to read:

(b)

20.115 (1) ~~(a)~~ *Petroleum products; inspection and storage.* The amounts in the schedule for the purposes of ch. 168.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.165 (2) (a) of the statutes is amended to read:

20.165 (2) (a) *General program operations.* The amounts in the schedule for general program operations relating to the regulation of industry, buildings, and safety under chs. 101, 107, and 145, ~~and 168~~ and ss. 167.10 and 167.27.

(c)✓

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 s. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 3. 20.165 (2) (dm) of the statutes is renumbered 20.115 (1) ~~(a)~~ and

amended to read:

(c)

20.115 (1) ~~(a)~~ *Storage Petroleum products; storage tank inventory.* The amounts in the schedule to conduct an inventory of aboveground petroleum product storage tanks and unused underground petroleum product storage tanks under s. 101.142 168.32.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 4. 20.165 (2) (j) of the statutes is amended to read:

20.165 (2) (j) *Safety and building operations;* The amounts in the schedule for the purposes of chs. 101, and 145, ~~and 168~~ and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the

purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 5. 20.165 (2) (ma) of the statutes is amended to read:

20.165 (2) (ma) *Federal aid-program administration.* All moneys received from the federal government, as authorized by the governor under s. 16.54, to fund the state's administrative costs for general program operations relating to the regulation of industry, buildings and safety under chs. 101, 107, and 145 and 168 and ss. 32.19 to 32.27, 167.10, and 167.27.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 6. 20.165 (2) (r) of the statutes is renumbered 20.115 (1) ^(t)~~(r)~~ and

amended to read:

20.115 (1) ^(t)~~(r)~~ *~~Safety and building operations~~ Petroleum products; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168 and ss. ~~101.09, 101.142, and 101.1435.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

SECTION 7. 20.165 (2) (vm) of the statutes is renumbered 20.115 (1) ^(m)~~(v)~~ and

amended to read:

20.115 (1) ^(m)~~(v)~~ *~~Removal of underground petroleum~~ Petroleum products; removal of storage tanks.* From the petroleum inspection fund, the amounts in the

1 schedule for the removal of abandoned underground petroleum storage tanks under
2 s. 101.1435 [✓]168.33 and for the administration of s. 168.33.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

3 **SECTION 8.** 20.165 (2) (w) of the statutes is amended to read:

4 20.165 (2) (w) *Petroleum storage environmental remedial action;*
5 *administration.* From the petroleum inspection fund, the amounts in the schedule
6 for the administration of ss. 101.143, [✓]101.1435, and 101.144.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

7 **Insert 7-5**

8 168.23 (4) The department shall promulgate a rule specifying fees for plan
9 review and inspection of tanks for the storage, handling, or use of flammable or
10 combustible liquids and for any certification or registration required under par. (e)
11 sub. (3).[✓]

Gibson-Glass, Mary

From: Stritchko, Megan E - DOA <MeganE.Stritchko@wisconsin.gov>
Sent: Wednesday, December 12, 2012 9:08 AM
To: Gibson-Glass, Mary
Subject: Transfer of DSPS programs to DATCP

Hi Mary,

Thank you for draft 0387/1 regarding the transfer of DSPS tanks program to DATCP. Could you provide a new draft that does not transfer the abandoned tanks portion of the program? I believe that the abandoned tanks are captured in s. 20.165(2)(vm).

If you have any questions, please don't hesitate to give me a call.

Thank you!!

Megan

Megan Stritchko
Executive Policy and Budget Analyst
Wisconsin Department of Administration
(608) 266-8219



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0387112

MGG:sac:rs

W
12/17

DOA:.....Stritchko, BB0095 - Transfer of DSPS programs to DATCP

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1

to not gen
AN ACT *and hazardous substances*; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

BUILDINGS AND SAFETY

various
Under current law, DSPS has the following duties and powers relating to regulation of petroleum products:

1. DSPS prescribes grade specifications for gasoline and similar fuels and administers laws regulating the inspection and sale of those fuels and other petroleum products.

2. DSPS regulates the installation, maintenance, and removal of movable tanks that contain flammable or combustible liquids or federally regulated hazardous substances.

3. DSPS is required to administer a program to inventory aboveground petroleum storage tanks and underground petroleum storage tanks.

4. DSPS is authorized to pay a contractor to remove an abandoned underground petroleum storage tank system if DSPS determines that the owner of the system is unable to pay to empty, clean, remove, or dispose of the system.

This bill transfers these powers and duties from DSPS to DATCP.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (1) (b) of the statutes is created to read:

2 20.115 (1) (b) *Petroleum products; inspection and storage.* The amounts in the
3 schedule for the purposes of ch. 168.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 20.165 (2) (a) of the statutes is amended to read:

5 20.165 (2) (a) *General program operations.* The amounts in the schedule for
6 general program operations relating to the regulation of industry, buildings, and
7 safety under chs. 101, 107, and 145, ~~and 168~~ and ss. 167.10 and 167.27.

8 **SECTION 3.** 20.165 (2) (dm) of the statutes is renumbered 20.115 (1) (c) and
9 amended to read:

10 20.115 (1) (c) *Storage Petroleum products; storage tank inventory.* The amounts
11 in the schedule to conduct an inventory of aboveground petroleum product storage
12 tanks and unused underground petroleum product storage tanks under s. ~~101.142~~

13 168.32 168.30

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 **SECTION 4.** 20.165 (2) (j) of the statutes is amended to read:

15 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
16 the purposes of chs. 101, and 145, ~~and 168~~ and ss. 167.35, 236.12 (2) (a), 236.13 (1)
17 (d) and (2m), and 236.335, for the purpose of transferring the amounts in the
18 schedule under par. (kg) to the appropriation account under par. (kg), and for the
19 purpose of transferring the amounts in the schedule under par. (km) to the

1 appropriation account under par. (km). All moneys received under ch. 145, ss.
2 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973
3 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin
4 Act 45, section 76 (6), shall be credited to this appropriation.

5 **SECTION 5.** 20.165 (2) (ma) of the statutes is amended to read:

6 20.165 (2) (ma) *Federal aid-program administration.* All moneys received
7 from the federal government, as authorized by the governor under s. 16.54, to fund
8 the state's administrative costs for general program operations relating to the
9 regulation of industry, buildings and safety under chs. 101, 107, and 145 and 168 and
10 ss. 32.19 to 32.27, 167.10, and 167.27.

11 **SECTION 6.** 20.165 (2) (r) of the statutes is renumbered 20.115 (1) (t) and
12 amended to read:

13 20.115 (1) (t) ~~*Safety and building operations*~~ *Petroleum products; petroleum*
14 *inspection fund.* From the petroleum inspection fund, the amounts in the schedule
15 for the purposes of ch. 168 and ss. 101.09, 101.142, and 101.1435.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

INSERT
3-15

16 **SECTION 7.** 20.165 (2) (vm) of the statutes is renumbered 20.115 (1) (tm) and
17 amended to read:

18 20.115 (1) (tm) ~~*Removal of underground petroleum*~~ *Petroleum products;*
19 *removal of storage tanks.* From the petroleum inspection fund, the amounts in the
20 schedule for the removal of abandoned underground petroleum storage tanks under
21 s. 101.1435 168.33 and for the administration of s. 168.33.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

22 **SECTION 8.** 20.165 (2) (w) of the statutes is amended to read:

1 20.165 (2) (w) *Petroleum storage environmental remedial action;*
2 *administration.* From the petroleum inspection fund, the amounts in the schedule
3 for the administration of ss. 101.143, ~~101.1435~~, and 101.144.

4 SECTION 9. 25.47 (4m) of the statutes is amended to read:

5 25.47 (4m) The payments under s. ~~101.1435~~ 168.33 (3).

6 SECTION 10. 25.47 (7) of the statutes is amended to read:

7 25.47 (7) The fees imposed under s. ~~101.09 (3) (d)~~ 168.23 (4).✓

8 SECTION 11. 45.44 (1) (a) 5. of the statutes is amended to read:

9 45.44 (1) (a) 5. A license, certification, registration, or permit issued under s.
10 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2), 97.22 (2), 98.145,
11 98.146, ~~or~~ 98.18 (1) (a), or 168.23 (3).

12 SECTION 12. 93.135 (1) (rg) of the statutes is created to read:

13 93.135 (1) (rg) A certification or registration under s. 168.23 (3).

14 SECTION 13. 98.246 (1) of the statutes is amended to read:

15 98.246 (1) In this section, "petroleum products" has the meaning given under
16 s. ~~168.03~~ 168.01 (3).

***NOTE: Do you want to transfer the provisions under s. 101.02 (18m) to DATCP?

17 SECTION 14. 101.02 (20) (a) of the statutes is amended to read:

18 101.02 (20) (a) For purposes of this subsection, "license" means a license,
19 permit, or certificate of certification or registration issued by the department for an
20 occupation or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), 101.143 (2) (g),
21 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
22 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
23 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,

1 145.165, 145.17, 145.175, 145.18, ~~or~~ 167.10 (6m) or under rules promulgated under
2 ch. 101 or 145.

****NOTE: By deleting the cross-reference to s. 101.09 (3) (c) in s. 101.02 (20) (a), s. 73.0301 (denial of licenses and similar approvals for failure to pay state taxes) does not apply to the certifications and registrations under s. 101.09 (3) (c), as renumbered in this draft. I cannot find any place in the statutes where licenses or similar approvals issued by DATCP are denied for this purpose. Therefore, since s. 101.09 (3) (c) certifications or registrations will be issued by DATCP, they will not be denied for failure to pay state taxes. OK?

3 **SECTION 15.** 101.02 (21) (a) of the statutes is amended to read:

4 101.02 (21) (a) In this subsection, "license" means a license, permit, or
5 certificate of certification or registration issued by the department for an occupation
6 or profession under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15
7 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73
8 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2),
9 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
10 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

****NOTE: The treatment of s. 101.02 (21) (a) and the creation of s. 93.135 (1) (rg) results in s. 101.09 (3) (c) registrations and certifications continuing to be subject to s. 49.857 (denial of licenses and similar approvals for failure to pay child support.)

11 **SECTION 16.** 101.02 (24) (a) 2. of the statutes is amended to read:

12 101.02 (24) (a) 2. "License" means a license, permit, or certificate of
13 certification or registration issued by the department for an occupation or profession
14 under s. ~~101.09 (3) (e)~~, 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16
15 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654,
16 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,
17 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
18 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.

19 **SECTION 17.** 101.09 (title) of the statutes is repealed.

1 **SECTION 18.** 101.09 (1) (intro.) of the statutes is renumbered 168.21 (intro.) and
2 amended to read:

3 **168.21 Definitions.** (intro.) In this section subchapter:

4 **SECTION 19.** 101.09 (1) (a) of the statutes is renumbered 168.21 (1).

5 **SECTION 20.** 101.09 (1) (am) of the statutes is renumbered 168.21 (3).

6 **SECTION 21.** 101.09 (1) (b) of the statutes is renumbered 168.21 (4).

7 **SECTION 22.** 101.09 (1) (c) of the statutes is renumbered 168.21 (5).

8 **SECTION 23.** 101.09 (1) (cm) of the statutes is renumbered 168.21 (6).

9 **SECTION 24.** 101.09 (1) (d) of the statutes is renumbered 168.21 (7).

10 **SECTION 25.** 101.09 (2) (title) of the statutes is renumbered 168.22 (title).

11 **SECTION 26.** 101.09 (2) (a) of the statutes is renumbered 168.22 (1) and
12 amended to read:

13 168.22 (1) Except as provided under ~~pars. (b) to (d)~~ subs. (2) to (5), every person
14 who constructs, owns or controls a tank for the storage, handling or use of liquid that
15 is flammable or combustible or a federally regulated hazardous substance shall
16 comply with the standards adopted under ~~sub. (3)~~ s. 168.23.

17 **SECTION 27.** 101.09 (2) (b) of the statutes is renumbered 168.22 (2) and
18 amended to read:

19 168.22 (2) This ~~section~~ subchapter does not apply to storage tanks which
20 require a hazardous waste license under s. 291.25.

21 **SECTION 28.** 101.09 (2) (c) of the statutes is renumbered 168.22 (3) and
22 amended to read:

23 168.22 (3) This ~~section~~ subchapter does not apply to storage tanks which are
24 installed above ground level and which are less than 5,000 gallons in capacity.

1 **SECTION 29.** 101.09 (2) (cm) (intro.) of the statutes is renumbered 168.22 (4)
2 (intro.) and amended to read:

3 168.22 (4) (intro.) Any rules promulgated under ~~sub. (3)~~ s. 168.23 requiring an
4 owner to test the ability of a storage tank, connected piping or ancillary equipment
5 to prevent an inadvertent release of a stored substance do not apply to storage tanks
6 that satisfy all of the following:

7 **SECTION 30.** 101.09 (2) (cm) 1. to 3. of the statutes are renumbered 168.22 (4)
8 (a) to (c).

9 **SECTION 31.** 101.09 (2) (d) of the statutes is renumbered 168.22 (5) and
10 amended to read:.

11 168.22 (5) This ~~section subchapter~~ does not apply to a pressurized natural gas
12 pipeline system regulated under 49 CFR 192 and 193.

13 **SECTION 32.** 101.09 (3) (title) of the statutes is renumbered 168.23 (title).

14 **SECTION 33.** 101.09 (3) (a) of the statutes is renumbered 168.23 (1).

15 **SECTION 34.** 101.09 (3) (b) of the statutes is renumbered 168.23 (2) and
16 amended to read:

17 168.23 (2) The department may transfer any information which the
18 department receives under ~~par. (a)~~ sub. (1) to any other agency or governmental unit.
19 The department and any such agency shall treat the name of the owner and the
20 location of any noncommercial storage tank which stores heating oil for consumptive
21 use on the premises, required to be submitted to the department under ~~par. (a)~~ sub.
22 (1), as confidential and shall not permit inspection or copying under s. 19.35 of any
23 record containing the information.

24 **SECTION 35.** 101.09 (3) (c) of the statutes is renumbered 168.23 (3) and
25 amended to read:

1 168.23 (3) The rule promulgated under ~~par. (a)~~ sub. (1) may require the
2 certification or registration of persons who install, remove, clean, line, perform
3 tightness testing on and inspect tanks and persons who perform site assessments.
4 Any rule requiring certification or registration shall also authorize the revocation or
5 suspension of the certification or registration. The department may not require an
6 individual who is eligible for the veterans fee waiver program under s. 45.44 to pay
7 any fee that may be charged pursuant to such a rule.

8 **SECTION 36.** 101.09 (3) (d) of the statutes is renumbered 168.23 (4) and
9 amended to read:

10 168.23 (4) The department shall promulgate a rule specifying fees for plan
11 review and inspection of tanks for the storage, handling, or use of flammable or
12 combustible liquids and for any certification or registration required under ~~par. (e)~~
13 sub. (3).

14 **SECTION 37.** 101.09 (3m) (title) of the statutes is renumbered 168.24 (title).

15 **SECTION 38.** 101.09 (3m) (a) of the statutes is renumbered 168.24 (1) and
16 amended to read:

17 168.24 (1) In this ~~subsection~~ section, “hazardous substance” means a
18 combustible liquid, a flammable liquid, or a federally regulated hazardous
19 substance.

20 **SECTION 39.** 101.09 (3m) (b) of the statutes is renumbered 168.24 (2) and
21 amended to read:

22 168.24 (2) The department may not impose any requirement that specifies that
23 pipe connections at the top of a storage tank and beneath all freestanding pumps and
24 dispensers that routinely contain a hazardous substance be placed within secondary

1 containment sumps, if the pipe connections were installed or in place on or before
2 February 1, 2009. This ~~subsection~~ section does not apply after December 31, 2020.

3 **SECTION 40.** 101.09 (4) (title) of the statutes is renumbered 168.25 (title).

4 **SECTION 41.** 101.09 (4) (a) of the statutes is renumbered 168.25 (1) and
5 amended to read:

6 168.25 (1) The department shall enforce this ~~section~~ subchapter.

7 **SECTION 42.** 101.09 (4) (b) of the statutes is renumbered 168.25 (2) and
8 amended to read:

9 168.25 (2) The department shall issue orders directing and requiring
10 compliance with the rules and standards of the department adopted under this
11 ~~section~~ subchapter whenever, in the judgment of the department, the rules or
12 standards are threatened with violation, are being violated or have been violated.

13 **SECTION 43.** 101.09 (4) (c) of the statutes is renumbered 168.25 (3).

14 **SECTION 44.** 101.09 (5) of the statutes is renumbered 168.26 and amended to
15 read:

16 **168.26 PENALTIES.** Any person who violates this ~~section~~ subchapter or any rule
17 or order adopted under this ~~section~~ subchapter shall forfeit not less than \$10 nor
18 more than \$5,000 for each violation. Each violation of this ~~section~~ subchapter or any
19 rule or order under this ~~section~~ subchapter constitutes a separate offense and each
20 day of continued violation is a separate offense.

21 **SECTION 45.** 101.14 (5) (a) of the statutes is amended to read:

22 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
23 department by rule for plan review and approval for the construction of a new or
24 additional installation or change in operation of a previously approved installation
25 for the storage, handling or use of a liquid that is flammable or combustible or a

1 federally regulated hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3),
2 the department shall collect a groundwater fee of \$100 for each plan review
3 submittal. The moneys collected under this subsection shall be credited to the
4 environmental fund for environmental management.

5 **SECTION 46.** 101.14 (5) (b) of the statutes is amended to read:

6 101.14 (5) (b) Notwithstanding par. (a), an installation for the storage,
7 handling or use of a liquid that is flammable or combustible or a federally regulated
8 hazardous substance, as defined in s. ~~101.09 (1) (am)~~ 168.21 (3), that has a capacity
9 of less than 1,000 gallons is not subject to the groundwater fee under par. (a).

10 **SECTION 47.** 101.142 of the statutes is renumbered ~~168.32~~ ³⁰²

← INSERT # 10-10

11 **SECTION 48.** 101.143 (3) (a) 4. of the statutes is amended to read:

12 101.143 (3) (a) 4. The owner or operator registers the petroleum product
13 storage system or the home oil tank system is registered with the department of
14 agriculture, trade and consumer protection under ^{plain} ~~s. 101.09~~ ^{168.23} ~~subch. I of ch. 168.~~

15 **SECTION 49.** 101.1435 (title) and (1) of the statutes are renumbered 168.33
16 (title) and (1).

17 **SECTION 50.** 101.1435 (2) (intro.) of the statutes is renumbered 168.33 (2)
18 (intro.) amended to read:

19 168.33 (2) (intro.) The department may contract with a person registered or
20 certified under s. ~~101.09 (3)~~ 168.23 to empty, clean, remove, and dispose of an
21 underground petroleum product storage tank system; to assess the site on which the
22 underground petroleum product storage tank system is located; and to backfill the
23 excavation if all of the following apply:

24 **SECTION 51.** 101.1435 (2) (a) and (b) and ~~(3)~~ of the statutes are renumbered
25 168.33 (2) (a) and (b) and (3).

SECTION 52. 101.19 (1r) of the statutes is amended to read:

101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under ss. ~~101.09 (3) (e)~~, 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

SECTION 53. Chapter 168 (title) of the statutes is repealed and recreated to read:

CHAPTER 168

INSPECTIONS AND STORAGE

OF PETROLEUM PRODUCTS AND DANGEROUS
SUBSTANCES

SECTION 54. Subchapter I (title) of chapter 168 [precedes 168.01] of the statutes is created to read:

CHAPTER 168

SUBCHAPTER I

PETROLEUM PRODUCT INSPECTIONS

SECTION 55. 168.01 (intro.) of the statutes is amended to read:

168.01 Definitions. (intro.) In this chapter subchapter:

SECTION 56. 168.01 (1) of the statutes is amended to read:

168.01 (1) “Department” means the department of safety and professional services agriculture, trade and consumer protection.

SECTION 57. 168.01 (2) of the statutes is renumbered 168.01 (4).

1 **SECTION 58.** 168.02 (title) of the statutes is repealed.

2 **SECTION 59.** 168.02 of the statutes is renumbered 168.01 (2).

3 **SECTION 60.** 168.03 (title) of the statutes is repealed.

4 **SECTION 61.** 168.03 of the statutes is renumbered 168.01 (3).

5 **SECTION 62.** 168.05 (1) of the statutes is amended to read:

6 168.05 (1) No petroleum product imported into and received in this state or
7 received from a manufacturer or refiner or from a marine or pipeline terminal within
8 this state may be unloaded from its original container except as provided under sub.
9 (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken
10 as provided in this chapter subchapter. This subsection does not apply if the
11 department has previously inspected the petroleum product at the refinery, marine
12 or pipeline terminal. Each person importing or receiving a petroleum product which
13 has not been previously inspected shall notify the inspector in the person's district
14 of the receipt thereof, and the inspector shall take a sample of the petroleum product.

15 **SECTION 63.** 168.06 (1) of the statutes is amended to read:

16 168.06 (1) For the purposes of administering this chapter subchapter,
17 inspectors may take samples of gasoline, gasoline-alcohol fuel blends, kerosene,
18 other refined oils, fuel oils and petroleum distillates for tests and make inspections
19 at any points within or without this state, and may open any original container
20 containing gasoline, gasoline-alcohol fuel blends, kerosene, other refined oils, fuel
21 oils and petroleum distillates and take a true sample of not less than 8 ounces of the
22 contents thereof, even though the original containers may still be in the possession
23 of a common or contract carrier, provided the opening and sampling does not unduly
24 inconvenience or hamper the transportation of the products. After the original
25 containers are opened and sampled the same shall be resealed with seals furnished

1 by the department for such purposes. The authority conferred by this section shall
2 be in addition to, and not in limitation of, any of the provisions of s. 168.05.

3 **SECTION 64.** 168.08 (1) of the statutes is amended to read:

4 168.08 (1) Time and place of each inspection.

5 **SECTION 65.** 168.09 of the statutes is amended to read:

6 **168.09 Authority to enter.** Any inspector may enter in or upon the premises
7 of any manufacturer, vendor, dealer or user of gasoline, gasoline–alcohol fuel blends,
8 kerosene, other refined oils, fuel oils and petroleum distillates, during regular
9 business hours to determine whether any petroleum product intended for sale or use
10 has not been sampled and inspected in accordance with this ~~chapter~~ subchapter.

11 **SECTION 66.** 168.125 of the statutes is amended to read:

12 **168.125 Reports; payment.** Persons who are liable for the fee under this
13 ~~chapter~~ subchapter shall state the number of gallons of petroleum products on which
14 the fee is due and the amount of their liability for the fee in the reports under s. 78.12
15 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12
16 (5) apply to the fee under this ~~chapter~~ subchapter.

17 **SECTION 67.** 168.15 of the statutes is amended to read:

18 **168.15 Penalty.** Every person who violates any provision of this ~~chapter~~
19 subchapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than
20 \$10 nor more than \$100 for each violation. Each day a person fails to comply with
21 any provision of this ~~chapter~~ subchapter is a separate violation.

22 **SECTION 68.** 168.16 (1) of the statutes is amended to read:

23 168.16 (1) The department shall enforce this ~~chapter~~ subchapter. Inspection
24 districts shall be defined and numbered by the department.

25 **SECTION 69.** 168.16 (2) of the statutes is amended to read:

1 168.16 (2) Any accident or explosion involving products of petroleum which
2 comes to the knowledge of the department shall be investigated to determine
3 whether or not there has been a violation of this ~~chapter~~ subchapter.

4 **SECTION 70.** 168.16 (4) of the statutes is amended to read:

5 168.16 (4) The department may promulgate reasonable rules relating to the
6 administration and enforcement of this ~~chapter~~ subchapter.

7 **SECTION 71.** 168.17 of the statutes is amended to read:

8 **168.17 Attorney general and district attorney to prosecute.** Upon
9 request of the department, the attorney general or proper district attorney shall
10 prosecute any action to enforce this ~~chapter~~ subchapter except the fee that is imposed
11 under s. 168.12 (1).


12 **SECTION 72.** 168.18 of the statutes is repealed.

13 **SECTION 73.** Subchapter II (title) of chapter 168 [precedes 168.21] of the
14 statutes is created to read:

15 **CHAPTER 168**

16 SUBCHAPTER II

17 DANGEROUS SUBSTANCES
18 STORAGE OF HAZARDOUS LIQUIDS

18 **SECTION 74.** 168.21 (2) of the statutes is created to read: 

19 168.21 (2) "Department" means department of agriculture, trade and
20 consumer protection.

21 **SECTION 75.** Subchapter III (title) of chapter 168 [precedes 168.31] of the
22 statutes is created to read:

23 **CHAPTER 168**

24 SUBCHAPTER III

STORAGE TANKS FOR
PETROLEUM PRODUCTS

SECTION 76. 168.31 of the statutes is created to read:

168.31 Definition. In this subchapter, "department" means the department of agriculture, trade and consumer protection.

SECTION 9138. Nonstatutory provisions; Safety and Professional Services.

(1) PETROLEUM PRODUCT INSPECTION AND STORAGE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of safety and professional services, that are determined by the secretary of administration to relate to the storage and inspection of petroleum products under sections 101.09, 101.142, and 101.1435 and chapter 168 of the statutes, as affected by this act, become the assets and liabilities of the department of agriculture, trade and consumer protection.

(b) *Employee transfer.* All incumbent employees who hold positions in the department of safety and professional services that the secretary of administration determines relate to the storage and inspection of petroleum products under sections 101.09, 101.142, and 101.1435 and ch. 168 of the statutes, as affected by this act, are transferred to the department of agriculture, trade and consumer protection on the effective date of this paragraph.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection that they enjoyed in the department of safety and professional services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so

1 transferred who has attained permanent status in class is required to serve a
2 probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of safety and
5 professional services that the secretary of administration determines to relate to the
6 storage and inspection of petroleum products under sections 101.09^{and} 101.142^{and}
7 101.1435^{and} and ch. 168 of the statutes, as affected by this act, are transferred to the
8 department of agriculture, trade and consumer protection.

9 (e) *Contracts.* All contracts that were entered into by the department of safety
10 and professional services that the secretary of administration determines to relate
11 to the storage and inspection of petroleum products under sections 101.09^{and} 101.142^{and}
12 101.1435^{and} and ch. 168 of the statutes, as affected by this act, and that are in effect on
13 the effective date of this paragraph remain in effect and are transferred to
14 department of agriculture, trade and consumer protection. The department of
15 agriculture, trade and consumer protection shall carry out any obligations under
16 such a contract until the contract is modified or rescinded by the department of
17 agriculture, trade and consumer protection to the extent allowed under the contract.

18 (f) *Rules and orders.* All rules promulgated, and all orders issued, by the
19 department of safety and professional services, that are determined by the secretary
20 of administration to relate to the storage and inspection of petroleum products under
21 sections 101.09^{and} 101.142^{and} 101.1435^{and} and chapter 168 of the statutes, as affected
22 by this act, and that are in effect on the effective date of this paragraph shall remain
23 in effect until their specified expiration date or until amended or repealed by the
24 department of agriculture, trade and consumer protection.

(g) *Pending matters.* Any matter pending with the department of safety and professional services on the effective date of this paragraph that is determined by the secretary of administration to relate to the storage and inspection of petroleum products under sections 101.09, 101.142, and 101.1435, and chapter 168 of the statutes, as affected by this act, is transferred to the department of agriculture, trade and consumer protection, and all materials submitted to or actions taken by the department of safety and professional services with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0387/2ins
MGG:sac:rs

Insert 2-3

SECTION 1. 20.115 (1) (t) of the statutes is created to read:

20.115 (1) (t) *Petroleum products; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168.

Insert 3-15

SECTION 2. 20.165 (2) (r) of the statutes is amended to read:

20.165 (2) (r) *Safety and building operations; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168 and ss. 101.09, 101.142, and 101.1435.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

Insert 10-10

SECTION 3. 101.142 (title) and (1) (intro.) of the statutes are renumbered

168.28
101.130 (title) and (1) (intro.).

SECTION 4. 101.142 (1) (a) of the statutes is renumbered 101.130 (1) (a) and

amended to read:

168.28
101.130 (1) (a) "Petroleum Notwithstanding s. 168.01 (3), "petroleum product"

means materials derived from petroleum, natural gas, or asphalt deposits and includes gasoline, diesel and heating fuels, liquefied petroleum gases, lubricants, waxes, greases, and petrochemicals.

SECTION 5. 101.142 (1) (b) and (2) of the statutes are renumbered 101.130 (title)

and (1) (intro.).

History: 1983 a. 410; 1989 a. 254; 1991 a. 82.

Gibson-Glass, Mary

From: Stritchko, Megan E - DOA <MeganE.Stritchko@wisconsin.gov>
Sent: Wednesday, January 16, 2013 10:08 AM
To: Gibson-Glass, Mary
Subject: LRB Draft 0387/2

Hi Mary,

I have some comments/answers to some of your notes in LRB Draft 0387/2 for the transfer of DSPS programs to DATCP:

- In regards to Section 11, you asked if the provisions under s. 101.02 (18m) should be transferred to DATCP and the answer is yes, please transfer those provisions to DATCP.
- In regards to Section 12, you noted that the denial of licenses and similar approvals for failure to pay state taxes does not apply at DATCP under this draft. Could you please provide that certifications and registrations issued by DATCP under the renumbered s. 101.09(3)(c) can be denied for failure to pay state taxes, as they are under DSPS currently?
- In regards to Section 13, you noted that s. 101.09 (3)(c) registrations and certifications would continue to be subject to s. 49.857. This is fine.

Please let me know if you have any questions or concerns.

Thanks!

Megan

Megan Stritchko
Executive Policy and Budget Analyst
Wisconsin Department of Administration
(608) 266-8219